

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**BRENDA ZIMMERMANN,
Plaintiff,**

V.

**UNITED STATES OF AMERICA,
Defendant**

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CASE NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

A. PARTIES

1. Plaintiff, BRENDA ZIMMERMANN, is an individual, citizen of the State of Texas.

2. Defendant, the UNITED STATES OF AMERICA, may be served by delivering a copy of the summons and of the complaint to the United States Attorney for the Western District of Texas, and by also sending a copy to the Attorney General of the United States at Washington, District of Columbia.

B. JURISDICTION

3. The court has jurisdiction over the lawsuit according to 28 U.S.C. § 1332 because this is a suit under the Federal Tort Claims Act, 28 U.S.C. § 1346.

C. CONDITIONS PRECEDENT

4. Plaintiff timely presented this claim in writing to the UNITED STATES POSTAL SERVICE. The suit is being filed within six months of the agency's final written notice of its denial of the claim, which was dated March 28, 2017.

D. FACTS

5. On October 14, 2014, RHEA POLLOCK was an employee of the UNITED STATES POSTAL SERVICE acting within the course and scope of her employment, and she was operating a vehicle owned by the UNITED STATES POSTAL SERVICE. The UNITED STATES POSTAL SERVICE is an agency of the UNITED STATES OF AMERICA.

6. On October 14, 2014, at the intersection of Bogart Road and Pleasant Run Road, a location in Colleyville, Tarrant County, Texas, the vehicle operated by RHEA POLLOCK failed to yield the right of way at a stop sign.

7. Plaintiff Brenda Zimmerman, operating a motorcycle, had approached the intersection, come to a complete stop, and then proceeded through the intersection. Unfortunately, as Plaintiff Brenda Zimmerman crossed in front of the USPS vehicle operated by RHEA POLLOCK, RHEA POLLOCK proceeded to enter the intersection moving her vehicle directly towards Plaintiff BRENDA ZIMMERMAN.

8. In taking evasive action and avoiding impending collision between mail truck and motorcycle, Plaintiff BRENDA ZIMMERMAN turned the motorcycle away from the USPS vehicle operated by RHEA POLLOCK and the motorcycle hit the ground as a result.

E. CAUSES OF ACTION

9. The conduct of RHEA POLLOCK on the occasion in question was wrongful, in that she failed to keep a proper lookout, failed to timely apply her brakes, failed to yield the right of way, failed to control the speed of her vehicle, and did other acts or omissions that amounted to negligence. Under the laws of the State of Texas, a private person would be liable to Plaintiff for this conduct. In accordance with 28 U.S.C. § 1346 (b), the United States is liable to plaintiff for her personal injury and property damages as outlined below.

E. DAMAGES

10. As a proximate result of the negligence described above, Plaintiff sustained bodily injuries and damages. Said damages include reasonable expenses for necessary medical care in the past and future, lost wages, pain and suffering in the past and future, physical impairment in the past and future, disfigurement in the past and future, and property damage.

PRAYER

THEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendant be cited to appear and answer, and that on final hearing Plaintiff have judgment against Defendant for her actual damages in an amount in excess of the minimum jurisdictional limits of this Court, as well as pre- and post-judgment interest, reasonable attorneys' fees, costs of court, and for such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

The Law Offices of Kelly T. Curran
/s/ **Rhiannon Kelso**

BY: _____

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